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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,830	07/09/2003	Kenichi Sasaki	8008-1044	8135
466	7590	10/15/2004	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			NGUYEN, MINH T	
			ART UNIT	PAPER NUMBER
			2816	

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/614,830	Applicant(s) SASAKI ET AL.	
	Examiner Minh Nguyen	Art Unit 2816	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 is/are allowed.
- 6) ☒ Claim(s) 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment filed on 8/23/04 has been received and entered in the case. Claims 1-19 are pending. The amendment and argument presented therein overcome the informality objections and rejections in the previous Office action, and therefore, are withdrawn. New grounds of rejections necessitated by the amendment are set forth below. This action is FINAL.

Claim Objections

2. Claims 6-7, 14 and 19 are objected to because of the following informalities:

In claim 6, line 8, "said input clock" should be changed to -- said extracted input clock --, see Fig. 2, the recited signal is the signal S8, not the signal S1.

In claim 7, line 8, the same problem exists as discussed in claim 6.

In claim 14, last line, "the extracted clock signal" should be changed to -- the extracted input clock --, see line 4.

In claim 19, line 2, "19" should be changed to -- 18 --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 18, the recitation the memory receives the input signal and the first and second clocks being generated according to the input signal appears conflict and therefore, misdescriptive. As shown in Fig. 2 of the present invention, if consider S1 is the input signal, the memory 13 does not store the input signal S1 but rather the signal S10; if consider S10 is the input signal, the first and second clocks are not generated according to the input signal S10 as recited.

As per claim 19, the claim is rejected because of the indefiniteness of claim 18.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,357,514, issued to Yoshida.

As per claim 18, Yoshida discloses a clock data recovery circuit (Fig. 5) having a first-in first-out memory (buffer memory 1, see Fig. 2 for the sequencing in and out of the data of the frames) storing an input signal (DATA IN) by using a first clock (the clock output from the write generator 2 to the buffer memory 2) and outputting a stored signal (DATA OUT) by using a

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second clock (the clock output from the read generator 3 to the buffer memory 2), said first and second clocks being generated according to said input signal (insofar as understood, the recited limitation is met by the Yoshida circuit configuration, i.e., the DATA IN controls the circuit 9, the circuit 9 controls the circuit 50 and the circuit 50 controls the write generator 2, the circuit 50 also controls the circuit 7, the circuit 7 controls the read generator 3).

As per claim 19, the recited limitation is met because the second clock is the input to the comparator 56, the output of the comparator 56 controls the circuit 50 and the circuit 50 controls the write generator 2 for generating the first clock.

Response to Arguments

5. Applicant's arguments with respect to claims 18-19 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

6. Claims 1-17 are allowed after the objections noted herein above are overcome.

Claims 1-13 are allowed because the prior art of record fails to disclose or suggest the inclusion of a retiming clock generating part receives the extracted input clock and generates the retiming clock wherein the retiming clock is used to control the retimed input signal stored in the memory as recited in claim 1.

Claims 14-17 are allowed for the same reason noted in claim 1.

Conclusion

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7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Nguyen whose telephone number is 571-272-1748. The examiner can normally be reached on Monday, Tuesday, Thursday, Friday 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



10/08/04

Minh Nguyen
Primary Examiner
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